

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Don Lippert, et al.,

Plaintiffs,

V.

John Baldwin, et al.,

Defendants.

No. 10 C 4603

Magistrate Judge Daniel G. Martin

ORDER

Plaintiffs' request for production of Wexford's audited financial statements for 2013-2015 is granted.

STATEMENT

Plaintiffs seek Wexford's financial statements to determine, among other things, Wexford's measure of profit on the Illinois contract. Plaintiffs suggest that the "hospitalization utilization threshold" under the contract between IDOC and Wexford encourages Wexford to deny inmate surgical procedures to increase profits. According to Plaintiffs, once the "hospitalization utilization threshold" has been reached, under the contract, funds expended on surgical procedures cut into Wexford's revenue and thus profits. (Doc. 725 at 2 n.1). Plaintiffs add that "until the threshold is reached, every approval of such a procedure brings Wexford closer to the point where the threshold is reached and procedures cut into its profits." *Id.* Plaintiffs contend that "[i]f IDOC is not exercising some degree of stewardship over the funds allocated by the State for prisoner healthcare, then it is deliberately indifferent to the needs of the class." (Doc. 725 at 2). Under the broad scope of discovery permitted by Rule 26, the Court finds that the measure of Wexford's profit on the Illinois contract under IDOC's stewardship may relate to Wexford's provision of care and may also be relevant to analyzing the quality of IDOC's oversight over the funds provided by the State for prisoner healthcare. Accordingly, Wexford shall produce to Plaintiffs' counsel its audited financial statements for 2013-2015 by July 13, 2018. Wexford's request that its audited financial statements for 2013-2015 be afforded the additional protections outlined in the Court's May 24, 2018 order is granted. The deferred portions of the Motions to Reconsider (docs. 685, 668, 712) are denied as to Wexford's audited financial statements and denied as moot as the remainder of Wexford's response to IDOC's 2017 RFP in light of the parties' agreements.

Date: July 10, 2018

Daniel G. Martini

Daniel G. Martin
United States Magistrate Judge